

**REMARKS**

Applicant submits this Amendment in response to the Office Action dated April 14, 2009. Reconsideration of the subject application as amended herein is respectfully requested.

Claims 29-54 are pending in this case; claims 29 and 41, which are the only independent claims, have been amended hereinabove to clarify their meaning, by adding a further limitation in the form of an exclusionary proviso. In the Office Action, the claims were finally rejected under 35 U.S.C. §103(a) as unpatentable over US5932086 (Kasaaian) in view of US3301777 (Leonard). Applicant respectfully submits that, as amended, the claims are patentable over the cited prior art and are otherwise allowable.

Applicant has amended the claims so as to highlight a clear distinction from the Kasaaian citation. That is, the process of the present application is entirely hydrometallurgical in that it does not require a sintering or roasting step. Support for this new limitation may be found in the description of the prior art on page 2, lines 12-21, of the specification. Applicant now seeks to make corresponding amendments to the specification on pages 3 and 4, and in the Abstract, so that the statements of the invention therein are consistent, and in addition, applicant seeks to correct a

typographical error in the specification on page 9.

In Kasaian, the sintering step performs a certain amount of reduction (removal of oxygen) of the  $\text{MnO}_2$  that is present in the feed, that is, the amount that may be necessary to move from an average valence of  $\text{Mn}^{+4}$  in the ore to  $\text{Mn}^{+2.66}$ . In other words, two-thirds of the necessary reduction of Mn is being performed by the sintering step of Kasaian, while only one-third of the reduction is being performed by the  $\text{SO}_2$  of Kasaian. This pre-treatment is unnecessary in the presently claimed process, in which all of the necessary reduction of the manganese is achieved in the  $\text{SO}_2$  leach.

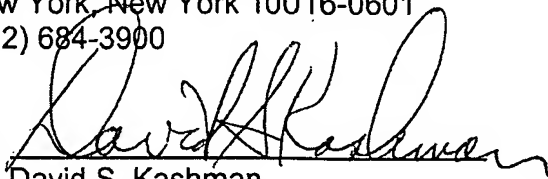
Thus, the Examiner's contention that the "Kasaian patent discloses the claimed method for the hydrometallurgical processing of manganese containing materials" has now been rendered incorrect. Therefore, even assuming arguendo that it would have been obvious to a person of ordinary skill in the art to modify Kasaian's method so as to include the alleged teachings of Leonard (regarding maintenance of the concentration of the dithionate ions at a level below 5 g/l), the resulting "hybrid" postulated by the Examiner would still not yield the invention as presently claimed by applicant in independent claims 29 and 41. For this reason, the rejection of the claims under 35 U.S.C. §103(a) as unpatentable over Kasaian in view of Leonard should now be withdrawn.

Applicant has responded herein to the points raised by the Examiner in the Office Action, and applicant has amended the claims in an earnest effort to place this application in condition for allowance. Accordingly, further favorable action in connection with this patent application is earnestly solicited. The Examiner is invited to contact the undersigned attorney by telephone if it will advance the prosecution of this case.

Respectfully submitted,

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